

The Daily Oregonian.

FRIDAY MORNING, APRIL 1, 1884

The dispensing authority of Justice Eliot

The dissenting opinion of Justice Field in the legal tender case is published in full. In its argumentative parts his opinion seems to be, at once, peremptory and dogmatic, rather than strong and conclusive. The supreme court consists of nine members, all of whom are republicans, except Judge Field. All have been appointed since 1861. The recent legal tender decision was written by the judge last appointed to the bench (Gray of Massachusetts), and all alone dissented. The bench as now constituted is a very able one, and the reputation of the author of the decision is a sum for a place among his able colleagues, not excepting Justice Field, who finds himself alone, one against eight, all of whom are as learned and erudite as himself. Justice Field shows some strength in the historical parts of his argument; that is, he cites some able authorities to support his view of the case. He quotes from Bancroft's history of the convention which arranged the constitution to the effect that when the convention came to the prohibition upon the states, the clause, "No state shall make anything but gold and silver a tender in payment of debts," was adopted without a dissenting state. "So the adoption of the constitution," he adds, quoting from Bancroft, "is to be the final severance of paper money, whether issued by the several states or by the United States, if the constitution shall be rightly interpreted and honestly obeyed." But this, so far from being conclusive, is simply an opinion which assumes the whole subject in dispute. More clearly supporting the position of Justice Field is a quotation from Webster, in which the great exponent of the constitution said: "Most unquestionably there is no legal tender, and there can be no legal tender in this country, under the authority of this government or any other, but gold and silver, either the coinage of our own mints or foreign coins at rates regulated by congress. This is a constitutional principle, perfectly plain and of the highest importance. The states are expressly prohibited from making anything but gold and silver legal tender in payment of debts, and although no such express prohibition is applied to congress, yet, as congress has no power granted to it in this respect but to coin money and to regulate the value of foreign coins, it clearly has no power to substitute paper or anything else for coin as a tender in payment of debts and in discharge of contracts."

Judge Field declares that in his opinion, "if there be anything in the history of the constitution which can be established with moral certainty, it is that the framers of that instrument intended to prohibit the issue of legal tender notes, both by the general government and by the states." And he adds: "For nearly three-quarters of a century after the adoption of the constitution, and until the legislation during the recent civil war, no jurist and no champion of any position in the country ever pretended that a power to impair the quality of legal tender to its notes was vested in the general government." He denounces the theory of the majority of the court that "congress is the legislature of a sovereign nation," and puts in a place for the doctrine of state rights by adding that "such a rule, if fully carried out, would change the whole nature of our constitution and break down the barriers which separate a government of limited from one of unlimited powers. There is no such thing as a power of inherent sovereignty in the government of the United States. It is a government of delegated powers, supreme within its prescribed sphere, but powerless outside of it. In this country sovereignty resides in the people, and congress can exercise no power which they have not by their constitution intrusted to it; all else is withheld."

The argument of Justice Gray holds the reverse of all this, asserting that congress has the power, under the constitution and representing the sovereignty of the people, to impair the legal tender quality to notes of the United States. Of course the method by which these notes are to be kept up to their par value—that is, how provision is to be made for their redemption or exchangeable with gold and silver—is entirely another question. Redemcability gives them their value, and this can be secured only by keeping gold and silver behind them in the treasury. Since the present decision of the supreme court must be accepted as the final settlement of the legal tender question, the people must not lose sight of this highly important consideration as to the basis of value. The legal tender notes will have equal value with gold, or less value, as the government has or has not means at hand for their redemption. When it was known that the government had no gold and redemption was a long distance in the future, the notes went as low as forty cents on the dollar, but when it became known that government, having at last accumulated gold, was ready to redeem its notes when offered, or could pay out gold as well as notes, the period of depreciation was at an end. After all, therefore, the "flat" of government, though it may give the notes a legal tender quality, cannot give them value. Provision must be made for that in another way.

It is said that a belt about 400 miles wide and extending from the gulf of Mexico to the British possessions along the slope of the Rocky mountains contains neat cattle worth more than \$100,000,000, which subsist wholly on natural grasses. This "beef region" also extends westward as far as the Sierras and the Cascade mountains. The production of beef for export and for the states which do not produce as much as they consume, is rapidly increasing the demand upon this region. Ohio, Indiana, Michigan and Kentucky have almost ceased to contribute to the beef supply of other states, and Illinois, Iowa and Missouri are finding that they cannot compete with the famous beef belt in the production of beef for the eastern market. Although the number of cattle other than milch cows has increased from 33,492,991 in 1840 to 29,046,101 in 1881, it is doubted whether the increase will continue to keep pace with the increase of population, and if the population reaches 150,000,000 as early in the next century as some eminent statisticians predict, it is probable that we shall not have much beef to sell to Europe, marvellous as may be the productiveness of the western beef region.

The New York Times has approved the Morton tariff bill, because it believed it to be for the highest and most lasting interest of the whole country, and also a wise thing for the republican party, which can only incur dislocation, and deserve it, by clinging blindly to the outworn creed of indiscriminate high import duties. "It would have been a singular advantage for the business of the land if a moderate tariff reduction could have been made by votes drawn from both parties, and the subject had thus been taken out of the political arena. But since the republicans have persisted in looking at the question with clouded eyes, if the democrats are going to bungle over it, it will not

democrats are going to struggle over it, it will never be put in the way of settlement, and the agitation will have to go on. The country will settle it sooner or later, but it will have to start a politicians' graveyard, liberally stocked before it can get its own interests attended to."

UNIFORMITY OF OCCUPATION

"The Commercial Re-trials to Ireland," is the title of a very rare book, written in 1779, a little more than a century ago, by Mr. Hely Hutchinson, which shows as well as any modern book, or pamphlet or speech why Ireland is so poor in spite of her natural advantages, and why the disproportion of the opportunities of employment to population exists, which I often point to as the fundamental cause of our wretchedness. This book begins with the summary of history of Ireland in the time of Edward III. The Plantagenet and Tudor kings legislated for the industrial and commercial advantage as for those of England. The importation of wool was prohibited during the reign of Richard on the ground that it ought to be spun and woven at home, and importation was made to exclude the wools of Ireland from English markets. This policy was reversed by Warwick, the ill-fated Earl Stratford, who, in his seven years of his brief power, from 1622 to 1629, did his best to disengage the woollen manufacturers and to protect the people of the maritime towns of Ireland against the ravages of disease, severity and civil war. He died, in which Ireland lost nearly half a million of her people and all her interests were prostrated. A great change occurred with the restoration, which put Ireland under the rule of James, Duke of Ormonde, and to the year 1688 the country continued in a most precarious condition. The revolution that year put an end to this prosperity, but after it closed, in 1692, Ireland rallied with wonderful rapidity, and seemed likely to retrieve the losses incurred by civil war. But in 1699 the outcry was raised that the Irish woollens were driving the English out of the markets of Europe, and a complaisant parliament passed laws prohibiting the export of woollens to any part of the world except England, and England followed up the blow by imposing prohibitory duties upon their import to that country. The woollen trade was, at that time, after agriculture, the chief industry of Ireland, and its ruin was the ruin of the nation.

On looking back upon the eighty years of Protestant ascendancy which had ensued since this act of wicked selfishness, Mr. Hutchinson asks: "Can the history of any other fruitful country on the globe, during space for four score years, and not visited by plague or pestilence, produce so many recorded instances of the poverty and wretchedness, and of the reiterated want and misery of the lower orders of the people? * * * If the ineffectual efforts of the representatives of those poor people to give them employment and food had not left sufficient memorials of their wretchedness; if their habitation, apparel and food were not sufficient proofs, I should appeal to the human countenance for my numbers, and rest the evidence on that hopeless despondency that hangs on the brow of unemploy'd industry." He passes in review the wretched years of the next half century, and depicts the poverty and the suffering as authentic a year after year by official utterance. "For above forty years after making these restrictive laws, Ireland was always poor and often in great want and misery." This period shows that a country will sooner recover from the miseries and devastation occasioned by war, invasion, rebellion, massacre, than from laws maintaining the commerce, discouraging the manufactures, favoring the industry, and above all, breaking the spirit of the people."

Since this book was written, the tyrannous dictation of a legislature which put down Irish industry has given place to what Burke calls "the tyrannous power of capital." The fundamental evil of Ireland's economical situation is the reduction of its people to idleness or occupation. The people have been driven back on the land with no chance for living except to grow potatoes or cabbages. Some human agency, "says Lord Balfour," must be accountable for the pernicious description of a level and fertile island, watered by the finest streams caused by alement atmosphere, held up in the estimation of a sea whose surface is the mid-ocean in the world, and inhabited by a valiant, generous, tender-gifted beyond measure with the power of physical endurance, and grieved with the liveliest intelligence. That agency is the unjust and intentful policy of England, which has limited the field of employment for the people of Ireland."

Professor Bowen, in his principles of economy, says, "that a country, the population of which is chiefly or altogether devoted to agriculture, cannot become wealthy, whatever may be the fertility of its soil or the appropriateness of its situation." Ireland has exhibited the remarkable phenomena of people starving in the midst of plenty, because they were literally too poor to buy bread. In 1847, the year of famine, nearly eight millions of bushels of grain and meal were exported from Ireland, and the following year, which was one of great scarcity, their exports rose again to sixteen millions. There has never been a year during all these troubles when vast quantities of provisions have not been exported to England.

In the state of Massachusetts, according to Mr. C. H. Colvin, only food is raised annually to support the people one day, and the state of Rhode Island produces only enough to furnish one breakfast for her people. New Hampshire does not produce enough food to last her people one month. The only natural exports of Massachusetts are ice and granite. But Massachusetts, and Rhode Island abound in wealth, and plenty, and even luxury, because manufacturing enterprises and commerce, requiring a great division of labor, have opened a field of employment for every variety of taste and talent and reduced the unproductive consumption of the people almost to the lowest point. No country can have a productive agriculture unless it has a large town population to supply the agriculturists with manufactured articles, while agriculturists supply them with food. Ireland has been kept down because the people have been confined almost exclusively to the rude pursuits of agriculture, raising food to buy English manufactures with, thus giving the labor of three persons for that of one person according to the principle laid down by Adam Smith that "a trading and manufacturing country naturally purchases with a small part of its manufactured produce a great part of the rude produce of other countries, while, on the contrary, a country without trade and manufactures, is generally obliged to purchase at the expense of a great part of its own produce a very small part of the manufactured produce of other countries."

Whisky men now say they are going to get their revenge for the refusal of congress to extend the bonded period by forcing 80,000,000 gallons of whisky on the market. The St. Paul *Globe* says: "Congreissen and other experienced tipplers being included, it is probable the spirit will not average more than eight drunks to the gallon, but the thought of \$10,000,000 instances of intoxication is enough to make it seem desirable that the stuff should be allowed to come slowly into the market."

of a volcanic eruption in the Mediterranean sea near Sicily.

An Appeal for "Harmony." —
New York World, Dec. 1.

Mr. Carlisle and Mr. G. W. Cannon, he concedes, must see that the tariff team is a detriment which only can cause a dislocation in the campaign. I cast it in the interest of party now, to induce the Democratic party to do what it can to induce the Republicans to do what they can to induce the people to do what they can. We cannot let it stand under that name. Is the Democratic congress willing to admit韦特海姆 with any of free trade first and democracy afterwards; or free trade or democracy first? I suppose not. Mr. Carlisle goes to New England, to those whom Mr. Carlisle goes to New England, to those whom he appeals to, and will teach them to repudiate it. They can do so, if it is finally only in one way. Let them propose the tariff question, on which the party is divided, and which is now a mere bubble, until after the presidential election, and unite on the issue on which they were elected and on which the Democracy is united. Shall there be no change, and can there be a change in the national administration?

I was afflicted with sciatic and paid the head, I used Sir's Cream Balsm which cured the.—W. H. Billings, dentist, Bordentown, N. J.

Argentine History is a household word. Every boy and girl is a student of it. It is now advertised to me again in Argentina. The grande article, turned by Dr. J. G. B. Siebert & Ross.

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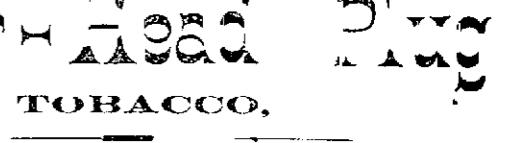
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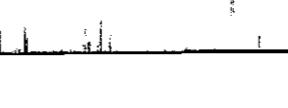
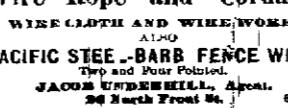
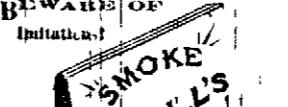
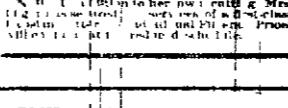
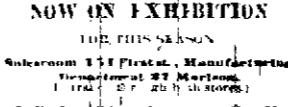
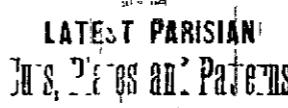
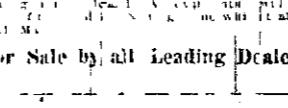
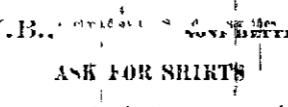
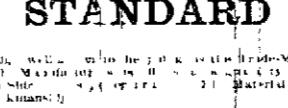
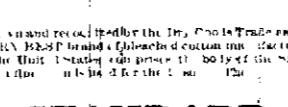
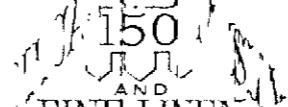
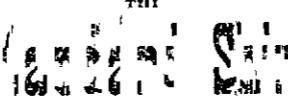
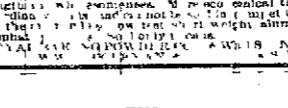
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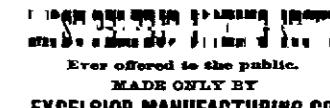


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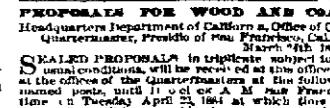
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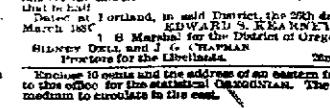
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